

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 359
ADOPT-A-RIVER PROGRAM

324.35901 Adopt-a-river program; administration; purpose; rules; agreements with volunteer groups to implement program.

Sec. 35901. (1) The department shall administer a program entitled the adopt-a-river program which shall be designed to remove litter from and to beautify the state's rivers and public land along the state's rivers. The program shall include public informational activities, but shall be directed primarily toward encouraging and facilitating the involvement of volunteer groups in litter cleanup work and assisting volunteer groups in selecting specific river or stream segments for cleanup activities.

(2) The department may promulgate rules as necessary to implement the adopt-a-river program. If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the department shall not promulgate rules under this part.

(3) The department may enter into agreements with volunteer groups to implement the adopt-a-river program. Agreements with volunteer groups shall include, but are not limited to, all of the following:

(a) Identification of the designated river or stream segment. The volunteer group may request a specific segment of the river or stream it wishes to adopt. In assisting volunteer groups in selecting sections of a river or stream, the department shall cooperate with affected federal, state, and local management agencies, nonprofit organizations, and private landowners.

(b) Specification of the duties of the volunteer group which shall involve the removal of litter along the designated river or stream segment at least once each year.

(c) Specification of the responsibilities of the volunteer group, including the volunteer group's agreement to abide by all rules related to the program that are adopted by the department.

(d) A specific designation of the length of time the volunteer group contracts to care for the designated river or stream segment, which shall be for a period of time of not less than 2 years.

History: Add. 1996, Act 88, Imd. Eff. Feb. 27, 1996.

Compiler's note: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) ("An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

Popular name: Act 451

Popular name: NREPA

324.35902 Adopt-a-river program; duties of department.

Sec. 35902. In implementing this part and the adopt-a-river program, the department shall do all of the following:

(a) Create a recognition program that acknowledges the efforts of volunteer groups and the members of the groups that participate in the adopt-a-river program.

(b) Provide safety information and assistance to the volunteer groups.

(c) Provide volunteer groups with natural resource information and educational materials.

History: Add. 1996, Act 88, Imd. Eff. Feb. 27, 1996.

Popular name: Act 451

Popular name: NREPA

324.35903 Data information sheets; compilation of information.

Sec. 35903. (1) The department shall provide volunteer groups conducting litter cleanup efforts under this part with data information sheets and shall request that the volunteer groups record on the data information sheets the types of trash collected during the group's cleanup effort. The department shall request the data information to be forwarded to the department upon completion.

(2) The department shall compile information obtained from the data information sheets received pursuant to subsection (1) and shall include this information in the report prepared under section 35904.

History: Add. 1996, Act 88, Imd. Eff. Feb. 27, 1996.

Popular name: Act 451

Popular name: NREPA

324.35904 Annual report.

Sec. 35904. The department shall annually report to the standing committees of the legislature that primarily consider issues pertaining to the protection of natural resources and the environment on the implementation and progress of the adopt-a-river program.

History: Add. 1996, Act 88, Imd. Eff. Feb. 27, 1996.

Popular name: Act 451

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